SB Civil Writ Petition No.4671/2006

Rajendra Vs Ramdhan & ors

6.12.2006

Hon'ble Mr Justice Ashok Parihar

Mr MC Jain – for petitioner

Mr KR Sharma – for respondents

BY THE COURT:

I have heard learned counsel for the parties and carefully gone through the material on record. Since earlier ex parte order of awarding compensation had already been passed in favour of the petitioner, in the facts and circumstances as also in the interest of justice, the authority below subsequently ought to have not dismissed the claim of the petitioner in default. Prima facie, it appears that the authority below has proceeded in a mechanical manner.

Accordingly, the writ petition is allowed. The impugned orders dated 29.4.2004 and 20.4.2006 are quashed and set aside. The claim petition filed by the petitioner before the authority is ordered to be restored to its original number and the authority is directed to proceed further in accordance with law after giving proper opportunity of hearing to both sides. Since both the parties are duly represented through counsel, they may now appear before the authority on 8.1.2007 to take a date for further proceedings.

(Ashok Parihar) J.

bnsharma